

**IN THE CHANCERY COURT FOR SULLIVAN COUNTY, TENNESSEE
SECOND JUDICIAL DISTRICT AT BRISTOL**

**STATE OF TENNESSEE, *ex rel.* ROBERT
E. COOPER, JR., ATTORNEY GENERAL,**

Plaintiff,

v.

**GINA DE'LYNN HODGES PRICE
individually and doing business as
REBEL RIDGE KENNELS,
CSA BULLDOGS, and CONFEDERATE
SANDS,**

Defendants.

No. C0016896

Chancellor E. G. Moody

FILED 12/5 2013 @ 2:25 a.m./p.m.
Katherine Priester, Clerk & Master
By: 

**ORDER ASSESSING CIVIL PENALTIES AND
GRANTING PERMANENT INJUNCTION**

On October 3, 2013, Plaintiff, the State of Tennessee ("State"), by and through Robert E. Cooper, Jr., the Attorney General and Reporter, pursuant to Rule 56 of the Tennessee Rules of Civil Procedure, filed a motion seeking an assessment of civil penalties and a permanent injunction against Defendant Gina De'Lynn Hodges Price, individually and doing business as Rebel Ridge Kennels, CSA Bulldogs and Confederate Sands ("Defendant Gina Price"). The State's motion was heard on November 15, 2013. Defendant Gina Price did not attend the hearing and failed to file any response to the State's motion.

On July 22, 2013, the Court granted the State's motion for summary judgment as to the issue of Defendant Gina Price's liability. For factual support of the present motion, the State exclusively relied on the Court's findings of fact in its order granting summary judgment. Therefore, the issues presented before the Court in the State's motion concern questions of law and no material facts relevant to the instant motion are in dispute.

The Court has reviewed and considered the State's motion and supporting memorandum and found the State's calculation of civil penalties to be reasonable and the proposed permanent injunction to be appropriate.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:

1. The State's Motion for an Assessment of Civil Penalties and Permanent Injunction in Connection with Summary Judgment is GRANTED.

2. Defendant Gina Price shall pay the State civil penalties in the amount of \$21,900, or \$300 per violation for each of Defendant Price's 73 violations of the Tennessee Consumer Protection Act, Tenn. Code Ann. §§ 47-18-101 *et seq.*

3. Defendant Gina Price is responsible for all costs associated with this action. No costs shall be taxed against the State as provided by Tenn. Code Ann. § 47-18-116, including discretionary costs.

4. In the event that Defendant Gina Price fails to comply with the terms of this Order, the State will hereby be authorized to petition this Court for an award of its reasonable costs and expenses of this investigation and prosecution of Defendant Gina Price, including attorneys' fees, pursuant to Tenn. Code Ann. § 47-18-108(4).

5. Defendant Gina Price's payments shall first be applied to consumer restitution as ordered by the United States District Court for the Eastern District of Tennessee, and lastly to the payment of civil penalties.

6. Defendant Gina Price is hereby permanently enjoined from directly or indirectly selling animals or operating an Internet-based business in or from Tennessee until such time as Defendant Gina Price has successfully repaid all consumer restitution through the Tennessee

Division of Consumer Affairs as ordered by the United States District Court for the Eastern District of Tennessee.

7. Should Defendant Gina Price fulfill her obligation to pay consumer restitution as outlined in paragraph 6, she shall be permanently enjoined from directly or indirectly:

- (a) Misrepresenting the health condition of any animal in connection with a sale or potential sales transaction;
- (b) Misrepresenting facts related to the shipment of an animal in connection with a sale or potential sales transaction;
- (c) Misrepresenting the legitimacy, inspection status or business registration status of a business in connection with a sale or potential sales transaction;
- (d) Misrepresenting the terms of any guarantee or warranty in connection with a sale or potential sales transaction;
- (e) Misrepresenting the registration status or registration paperwork of an animal in connection with a sale or potential sales transaction; and
- (f) Misrepresenting the import status or source of an animal in connection with a sale or potential sales transaction.

8. Nothing in this order shall be construed to affect, limit or alter any private right of action that any consumer, person, or any local, state, federal or other governmental entity, may hold against the Defendant Gina Price.

9. Jurisdiction is retained by this Court for the purpose of enabling the State to apply for such further orders and directions as may be necessary or appropriate for the construction, modification, or execution of the order, including enforcement of compliance therewith and assessment of penalties for violation(s) thereof and for attorneys' fees and costs applications.

10. In the event that the Tennessee Division of Consumer Affairs ("DCA") receives restitution payments from Defendant Gina Price to distribute to consumers, as ordered by the United States District Court, the Court hereby approves the Director of DCA, in his/her discretion and in consultation with the Attorney General, to develop a restitution plan to consumers. The plan should be designed to provide fair and efficient payments to consumers once monies are received and may be a phased process. Said plan shall be at the Director's sole discretion and not subject to review or appeal. Restitution payments shall not release any private right of action but merely operate as a set off. The following shall apply to the restitution program: In order to address any unique situations that might arise, DCA or its designee may issue restitution checks to consumers:

- (a) If a consumer who is eligible for restitution is now deceased, the restitution payment shall be made to the estate of the deceased person;
- (b) If the purchase was made by a minor, the restitution check shall be made jointly payable to the minor child's parents or legal guardians. If the child is in the sole custody of one parent or only has one parent or one legal guardian, the restitution check shall be made payable to the sole custodial parent or single parent;
- (c) If the purchase was made by a married couple who are now divorced, a single restitution check shall be made jointly payable to both the former husband and former wife, unless a protective order is in place relating to one of the parties. In that situation, two checks shall be issued, half to each former spouse; and
- (d) If the purchase was made jointly by two or more unrelated persons, a single restitution check shall be made jointly payable to those persons.
- (e) If consumers cannot be located, the Director in consultation with the Attorney General has the discretion to determine whether to provide them to the State of Tennessee unclaimed property account or to distribute to those located consumers.

11. If thirty days after entry of the Court's order, the monetary amounts have not been paid by the Defendant, the State may use issue execution or garnishment or other lawful legal process to collect any monetary award including attorneys' fees and costs including but not limited to court costs associated with any collection efforts. The State may also obtain interest pursuant to Tenn. Code Ann. § 47-14-121.

12. The acceptance of this Judgment by the State shall not be deemed approval by the State of any of Defendant's advertising or business practices. Further, neither Defendant nor anyone acting on its behalf shall state or imply or cause to be stated or implied that the State of Tennessee, the Attorney General, the Department of Commerce and Insurance, the Division of Consumer Affairs or any other governmental unit of the State of Tennessee has approved, sanctioned or authorized any practice, act, advertisement or conduct of the Defendant.

13. The order may only be enforced by the parties and this Court.

14. This order shall not bar the State, or any other governmental entity from enforcing laws, regulations or rules against the Defendant.

15. Any failure by the State to insist upon the strict performance by any other party of any of the provisions of the order shall not be deemed a waiver of any of the provisions of the order, and, notwithstanding such failure, shall have the right thereafter to insist upon the specific performance of any and all of the provisions of the order and the imposition of any applicable penalties, including but not limited to contempt, civil penalties as set forth in Tenn. Code Ann. § 47-18-108(c) and/or the payment of attorneys' fees to the State and other applicable state law.

16. If any clause, provision or section of the order shall, for any reason, be held illegal, invalid or unenforceable, such illegality, invalidity or unenforceability shall not affect any other clause, provision or section of the order and the order shall be construed and enforced

as if such illegal, invalid or unenforceable clause, section or other provision had not been contained herein.

17. This order does not entitle Defendant to seek or to obtain attorneys' fees as a prevailing party under any statute, regulation or rule.

18. Nothing in this order shall be construed as relieving the Defendant of the obligation to comply with all state and federal laws, regulations or rules, nor shall any of the provisions of this Judgment be deemed to be permission to engage in any acts or practices prohibited by such law, regulation, or rule. Further, this Judgment is in addition to and not in lieu of any other civil or criminal remedies that may be provided by law.

19. Pursuant to the provisions of the Tennessee Consumer Protection Act, Tenn. Code Ann. § 47-18-108(c), any knowing violation of the terms of the order shall be punishable by civil penalties of not more than Two Thousand Dollars (\$2,000.00) for each violation, in addition to any other appropriate sanctions including but not limited to contempt sanctions and the imposition of attorneys' fees and civil penalties.

IT IS SO ORDERED.

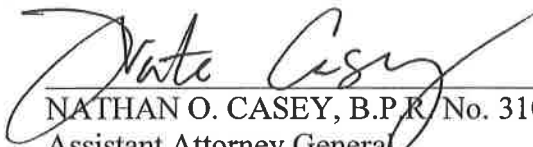
This the _____ day of _____, 2013.



CHANCELLOR E. G. MOODY
Sullivan County Chancery Court

APPROVED FOR ENTRY:

ROBERT E. COOPER, JR.
Attorney General and Reporter
B.P.R. 10934



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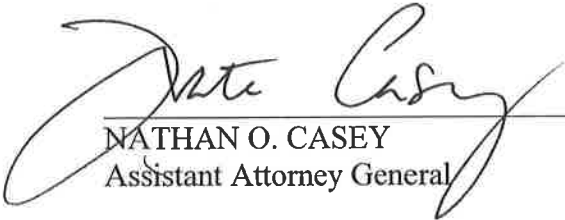
CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was sent via certified U.S. Mail, postage pre-paid, return receipt requested, to:

Richard A. Spivey, Esq.
Attorney for Defendant Gina De'Lynn Hodges Price
142 Cherokee Street
Kingsport, TN 37660-4308
(423) 245-4185

Gina De'Lynn Hodges Price
238 Rodefer Hollow Road
Blountville, TN 37617

on this the 3rd day of December, 2013.



NATHAN O. CASEY
Assistant Attorney General